

HOWARTH & SMITH

ATTORNEYS AT LAW
523 WEST SIXTH STREET
SUITE 728
LOS ANGELES, CALIFORNIA 90014
TELEPHONE: (213) 955-9400
FAX: (213) 622-0791
www.howarth-smith.com

SUZELLE M. SMITH

ssmith@howarth-smith.com
Direct Line: (213) 955-9400 Ext. 111

February 7, 2022

VIA ECF

Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 706
New York, New York 10007
OetkenNYSDCChambers@nysd.uscourts.gov

Re: *Levin et al v. Bank of New York et al*, Case No. 1:09-cv-05900-JPO-RWL

Dear Judge Oetken:

On February 4, as per the Court's Order of January 27, 2022, we filed a letter brief on behalf of the Levins addressing the Supreme Court's holding in *Rubin v. Islamic Republic of Iran*. After we filed our letter brief on February 4, we received the letter brief filed by JPMorgan Chase Bank, N.A. and JPMorgan Chase Bank, N.A./London (together "JPMorgan"). The JPMorgan letter brief addresses *Rubin* in a short paragraph on page 1. Then the brief goes on to make four plus pages of arguments, including new policy arguments, and cites over a dozen cases which do not address *Rubin* and its holding. All of the cases cited were decided before *Rubin* and none deal with blocked assets of a foreign terrorist government being held in a foreign branch of a United States bank subject to the laws and blocking regulations of the United States. Defendants' letter brief raises different and other arguments which the Levins did not address, as the Court's Order seemed to be specific and limited. If the Court is going to consider Defendants' other arguments and cases beyond *Rubin* and its specific holding related to TRIA and 1610(g), the Levins would like to respond to the other JPMorgan arguments in

Honorable J. Paul Oetken

February 7, 2022

Page 2

a reply. Will the Court allow the Levins to so respond by letter brief no later than February 14, 2022?

Respectfully submitted,

A handwritten signature in black ink, reading "Suzelle M. Smith". The signature is written in a cursive, flowing style with a large initial 'S'.

Suzelle M. Smith
Counsel for Plaintiffs, the Levin
Judgment Creditors

SMS:ep

cc: All Counsel of Record (by ECF)